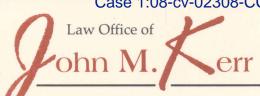
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John M. Kerr, Esquire Heather S. Clouser, Paralegal

October 5, 2009

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VIA ECF

The Honorable Christopher C. Conner United States District Court Judge Federal Building & U.S. Courthouse 228 Walnut Street Harrisburg, PA 17108

> Re: <u>DiBrito v. Harrisburg Area Community College</u> No. 1:08-CV-2308

Dear Judge Conner:

I am writing with regard to the Court's Order of September 9, 2009, requiring the parties to pursue mediation and directing me to advise the Court of the status of this matter on or before October 12, 2009.

After discussion via numerous e-mail transmissions back and forth, the parties have been unable to agree upon a private mediator. Accordingly, we request your assistance pursuant to Local Rule 16.8.5(a), so that we might participate in the Court-annexed Mediation Program.

Plaintiff had proposed Jane Rigler, Joseph Skelly, or Thomas Place, all certified by The Middle District. Defendant had proposed former Judge Edward Cahn, Bennett G. Picker, or Judith Meyer.

Thank you for your assistance in this matter, and we look forward to participating in the program and, hopefully, to reaching an amicable resolution of this matter.

Respectfully yours,

John M Kerr

cc: Jennifer Craighead, Esq. (via ECF)
David Freedman, Esq. (via ECF)

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